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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AYAL ROSENTHAL,

Plaintiff,

v.

NEW YORK UNIVERSITY, NEW YORK
UNIVERSITY LEONARD N. STERN SCHOOL
OF BUSINESS, and THOMAS F. COOLEY,
Richard R. West Dean of the Leonard N. Stern
School of Business,

Defendants
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08-cv-5338 (LAK)
ECF CASE

**DECLARATION OF EDWARD
HERNSTADT IN SUPPORT
OF PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

1. I am counsel to Plaintiff Ayal Rosenthal and submit this Declaration in support of Plaintiff's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56.

2. Attached hereto as Exhibit 1 is defendants' Answer to the Second Amended Complaint.

3. Attached hereto as Exhibit 2 are the Minutes of the February 12, 2007 Stern School Vice Deans' Meeting (NYU 389-90).

4. Attached hereto as Exhibit 3 is a letter dated October 1, 2007 from Mel Ochoa to Dean Thomas Cooley, with attachments (NYU 43-82).

5. Attached hereto as Exhibit 4 are excerpts from the NYU Faculty Handbook. (NYU 983, 1064, 1115-19, 1161-62, 1171-72).

6. Attached hereto as Exhibit 5 are excerpts from the NYU Student's Guide containing the Preamble to the University Policy on Student Conduct and Sections I and II of the NYU Student Disciplinary Procedures (NYU 254-55).

7. Attached hereto as Exhibit 6 are the Declarations of Nancy Kilson dated November 24 and December 17, 2009.

8. Attached hereto as Exhibit 7 is a letter from Ayal Rosenthal to Thomas Cooley dated November 5, 2007.

9. Attached hereto as Exhibit 8 are the Stern School Honor Code, Code of Conduct, and Student Disciplinary Rules (NYU 71-82).

10. Attached hereto as Exhibit 9 is the NYU Code of Ethical Conduct (NYU 199-202).

11. Attached hereto as Exhibit 10 are emails dated February 11, 2007 among Rachel Kowal, Bruce Buchanan, and Jennifer Bergenfeld (NYU 599-604).

12. Attached hereto as Exhibit 11 are emails dated February 11, 2007 among Thomas Cooley, Kim Corfman, Buchanan, T. Pugel, Kowal and Naomi Diamant (NYU 605-06).

13. Attached hereto as Exhibit 12 are emails dated February 13, 2007 among or between David Gordon, Corfman, Beth Rubin, Cooley, and Diamant (NYU 755, 717, 802).

14. Attached hereto as Exhibit 13 is the Agenda for the February 22, 2007 Stern School Faculty meeting (NYU 1196-97).

15. Attached hereto as Exhibit 14 is the faculty complaint signed by Lee Sproull about Ayal Rosenthal dated February 28, 2007 (NYU 60-61).

16. Attached hereto as Exhibit 15 is an email dated March 1, 2007 among Gary Fraser, Sproull, Cooley, and Corfman (NYU 263).

17. Attached hereto as Exhibit 16 are emails between Thomas Grace and Fraser dated April 5, 2007 (NYU 11-12).

18. Attached hereto as Exhibit 17 are emails dated April 12 and 17, 2007 among Cooley, Corfman and Fraser (NYU 744-45).

19. Attached hereto as Exhibit 18 are emails dated April 17, 2007 among Cooley, Corfman, Fraser, Grace and Lee Chamberlin (NYU 710-13).

20. Attached hereto as Exhibit 19 are emails dated April 21 among Fraser, Tim Colvin and Amy Margolis (Colvin 1).

21. Attached hereto as Exhibit 20 are emails dated May 9, 2007 between Colvin and Mel Ochoa, May 9, 2007 among Colvin, Fraser, Corfman and Chamberlin, and April 17, 2007 among Cooley, Corfman, Fraser, Grace and Lee Chamberlin (Colvin 2-6).

22. Attached hereto as Exhibit 21 is an email dated September 13, 2007 at 12:05 a.m., with attachments, from Ochoa to Fraser, Kowal and Buchanan (NYU 339-46).

23. Attached hereto as Exhibit 22 are emails among Corman, Fraser, Sproull and Ochoa dated May 29, June 13, 14, 18 and 20, 2007 (NYU 871, 724).

24. Attached hereto as Exhibit 23 are the Minutes of the October 3, 2007 Stern School Faculty Meeting (NYU 245—49).

25. Attached hereto as Exhibit 24 is a letter from Cooley to Rosenthal dated October 25, 2007 (NYU 40-42).

26. Attached hereto as Exhibit 26 is a letter dated November 5, 2007 from Rosenthal to Cooley, and a letter dated November 20, 2007 from Cooley to Rosenthal.

27. Attached hereto as Exhibit 26 is a letter from Cooley to Rosenthal dated February 19, 2008 (NYU 459-62).

28. Attached hereto as Exhibit 27 are excerpts from the Deposition of Thomas Cooley dated November 6, 2009.

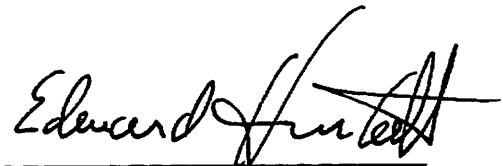
29. Attached hereto as Exhibit 28 are excerpts from the Deposition of Tim Colvin dated January 12, 2010.

30. Attached hereto as Exhibit 29 are excerpts from the Deposition of Melchior Ochoa dated December 18, 2009.

31. Attached hereto as Exhibit 30 are excerpts from the Deposition of Gary Fraser dated November 9, 2009.

32. I hereby declare pursuant to 28 U.S.C. § 1746 and under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 1, 2010

A handwritten signature in black ink, appearing to read "Edward Hernstadt", written over a horizontal line.

Edward Hernstadt (EH-9569)